

1 Cuong T. Bui (CSB#191138)
2 Immigration Law Group LLP
3 3590 North First Street, Suite 310
4 San Jose, CA 95134
5 Telephone: (408) 432-9200
6 Facsimile: (408) 432-9191
7 Email: curt@immigrationlawgroup.net

E-FILING

8 Attorney for Plaintiffs

ORIGINAL FILED

9 JUL 16 2007

10 RICHARD W. WIEKING
11 CLERK, U.S. DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 SAN JOSE DIVISION

17 RAJNEESH CHOPRA and RADHIKA
18 RAYADU VOORUVAKILI,

19 Plaintiffs,
20 v.

21 ALBERTO GONZALES, Attorney General
22 of the United States;

23 MICHAEL CHERTOFF, Secretary of the
24 U.S. Department of Homeland Security;

25 EMILIO T. GONZALES, Director of U.S.
26 Citizenship and Immigration Services;

27 ROSEMARY MELVILLE, San Francisco
28 District Director;

ROBERT S. MUELLER, III, Director of the
Federal Bureau of Investigation,

Defendants.

Case No. C07 03649
PLAINTIFF'S ORIGINAL COMPLAINT
FOR WRIT IN THE NATURE OF
MANDAMUS & DECLARATORY
JUDGMENT UNDER 28 U.S.C. §§ 1361
and 1331, 5 U.S.C. §§551 *et seq.* and 701 *et
seq.*

Immigration Case

1 Plaintiffs, Rajneesh Chopra and Radhika Rayadu Vooruvakili, by and through their
 2 attorney of record, as and for their complaint, allege as follows:

3 1. This action is brought against the Defendants to compel action on the clearly delayed
 4 processing of an Application to Register Permanent Resident or Adjust Status (Form I-485),
 5 properly filed by the Plaintiffs. Plaintiffs' applications remain within the jurisdiction of the
 6 Defendants, who have improperly delayed processing said applications to Plaintiffs' detriment.

7 **PARTIES**

8 2. Plaintiffs Rajneesh Chopra and Radhika Rayadu Vooruvakili, husband and wife, reside at
 9 1337 Los Arboles Avenue, Sunnyvale, CA 94087. Mr. Chopra filed his Application to Register
 10 Permanent Resident or Adjust Status (Form I-485) with the United States Citizenship and
 11 Immigration Services ("USCIS") on December 23, 2004 seeking to become a lawful permanent
 12 resident of the United States pursuant to Section 245 of the Immigration and Naturalization Act
 13 ("INA"). Ms. Vooruvakili also filed her Application to Register Permanent Resident or Adjust
 14 Status (Form I-485) with the United States Citizenship and Immigration Services ("USCIS") on
 15 December 23, 2004 seeking to become a lawful permanent resident as a derivative spouse,
 16 accompanying alien, once Mr. Chopra's application is completed.

17 3. Defendant Alberto Gonzales is the Attorney General of the United States, and he is sued
 18 here in his official capacity. The Attorney General is the head of the United States Department
 19 of Justice and the chief law enforcement officer of the federal government. He has the authority
 20 to adjust to permanent residence status certain aliens who have been admitted to the United
 21 States, and is further authorized to delegate such powers and authority to other government
 22 officials. The Attorney General is also ultimately responsible for the Federal Bureau of
 23 Investigation, a subdivision of the Justice Department. 8 U.S.C. § 1255(a).

24 4. Defendant Michael Chertoff is the Secretary of the Department of Homeland Security
 25 ("DHS"), and he is sued here in his official capacity. The Secretary is generally charged with
 26 implementing and enforcing Immigration and Nationality Act ("INA"), and is further authorized
 27 to delegate such powers and authority to subordinate employees of the DHS. 8 U.S.C. § 1103(a);
 28 8 C.F.R. § 2.1.

5. Defendant Emilio T. Gonzales is the Director of the USCIS, and he is sued here in his official capacity. USCIS is an agency within the DHS to whom the Secretary's authority has, in part, been delegated. The Director is generally charged with the overall administration of immigration benefits and services. 8 C.F.R. § 100.2(a).

6. Defendant Rosemary Melville is the District Director of the USCIS San Francisco District Office, and she is sued here in her official capacity. In her capacity as District Director, Ms. Melville is generally charged with supervisory authority over all operations of USCIS within her District, including the San Jose Sub-Office. 8 C.F.R. § 100.2(d)(2)(ii).

7. Defendant Robert S. Mueller, III is the Director of the Federal Bureau of Investigation (“FBI”). The FBI is the agency within the United States Department of Justice whose mission is to enforce criminal laws and defend the United States against terrorist and foreign intelligence threats. Upon request of USCIS, the FBI performs “name checks” and other background checks of all applicants for permanent residence status, or Form I-485.

JURISDICTION

8. Jurisdiction in this case is proper under 28 U.S.C. § 1331, as a civil action arising under the Constitution, laws, or treaties of the United States; 28 U.S.C. § 1361, as a civil action in the nature of mandamus to compel an officer or employee of the United States to perform a duty owed to Plaintiffs; 5 U.S.C. § 551 *et seq.* and § 701 *et seq.*, as a challenge to agency action under the Administrative Procedure Act (“APA”); and 28 U.S.C. § 2201 *et seq.*, as a civil action seeking, in addition to other remedies, a declaratory judgment. Relief is requested pursuant to said statutes. Additionally, attorney fees and costs will be sought pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d) and 5 U.S.C. § 504 *et seq.*

VENUE

9. Venue is proper in this district pursuant to 28 U.S.C. § 1391(e), in that Plaintiff may request a hearing on the matter in the district where Plaintiff resides.

11

11

11

1 INTRADISTRICT ASSIGNMENT

2 10. This lawsuit should be assigned to the San Jose Division of this Court because a
3 substantial part of the event or omission which give rise to this lawsuit occurred in Santa Clara
4 County.

5 EXHAUSTION OF REMEDIES

6 11. Plaintiffs have exhausted their administrative remedies. Plaintiffs have supplied USCIS
7 and the FBI with documents that clearly established their eligibility to register as a permanent
8 resident.

9 CAUSE OF ACTION

10 12. Plaintiffs properly filed their Application to Register Permanent Residence or Adjust
11 Status (Form I-485), based on an approved Immigrant Petition for Alien Worker (Form I-140),
12 pursuant to Section 245 of the INA.

13 13. Plaintiffs' applications, the filing fee, along with all supporting documentation, were filed
14 with USCIS, California Service Center, on December 23, 2004 (**EXHIBIT 1**).

15 14. On February 2, 2005, Plaintiffs appeared at the USCIS Application Support Center
16 ("ASC") in San Jose, CA to submit their fingerprints (**EXHIBIT 2**).

17 15. On July 12, 2005, Plaintiffs appeared at the USCIS San Jose Sub-Office for an
18 adjustment of status interview. Plaintiffs were advised at the conclusion of their interview that
19 their applications could not be approved because their FBI name checks were still pending
20 (**EXHIBIT 3**).

21 16. On May 4, 2006, Plaintiffs appeared in person at USCIS San Jose Sub-Office to inquire
22 about the status of their applications. Plaintiffs were informed that their applications were
23 pending due to FBI name check (**EXHIBIT 4**).

24 17. On August 7, 2006, Plaintiffs appeared in person at USCIS San Jose Sub-Office to
25 inquire about the status of their applications. Plaintiffs were informed that their applications
26 were pending FBI name check. (**EXHIBIT 5**).

27 18. On December 5, 2006, Plaintiffs' attorney appeared in person at USCIS San Jose Sub-
28 Office to inquire about the status of Plaintiffs' applications. Counsel was informed that Ms.

1 Vooruvakili's FBI name check had been completed. However, Mr. Chopra's FBI name check
2 has not been completed. Ms. Vooruvakili's application is dependent on Mr. Chopra's
3 application; therefore, her application remains unadjudicated. As a result, both applications
4 remain pending as of this date (**EXHIBIT 6**).

5 19. On April 17, 2007, Plaintiffs' attorney appeared in person at USCIS San Jose Sub-Office
6 to inquire about the status of Mr. Chopra's application. Counsel was informed that his case was
7 still pending FBI name check. Please see (**EXHIBIT 6**).

8 20. It has been more than 30 months since Plaintiffs first filed their applications for
9 adjustment of status (Form I-485) with USCIS on December 23, 2004. The Defendants have
10 failed to properly adjudicate Plaintiffs' applications. They have failed to adhere to their own
11 regulations and have improperly delayed the processing of the Plaintiffs' I-485 applications after
12 Plaintiffs have paid for, and submitted, properly executed applications.

13 21. Although the role of the Defendants is pivotal to the security of the United States of
14 America, the Defendants' actions have gone well beyond the expected 12 months for the
15 adjudication of an application for adjustment of status (Form I-485). USCIS publishes monthly
16 processing dates at: <https://egov.uscis.gov/cris/jsp/Processtimes.jsp?SeviceCenter=CSC>.
17 California Service Center is currently processing adjustment of status applications (Form I-485)
18 filed on December 14, 2006 (**EXHIBIT 7**). Defendants have failed to adhere to their own
19 processing time and procedures because Plaintiffs' applications were submitted in December
20 2004, *24 months earlier* than current processing published processing time.

21 22. Defendants have sufficient information to determine Plaintiffs' eligibility pursuant to
22 applicable requirements and complete the processing procedures.

23 23. Defendants' delay in this case is, as a matter of law, arbitrary and not in accordance with
24 the law. Defendants have willfully, unreasonably, and inappropriately refused to adjudicate
25 Plaintiffs' applications, thereby depriving Plaintiffs' of the rights to which they are entitled.

26 24. Plaintiffs have been greatly damaged by the failure of Defendants to act in accordance
27 with their duties under the law.

1 (a) Specifically, Plaintiffs have been unable to obtain legal permanent residence and thus
 2 cannot travel or work without restriction.

3 (b) Plaintiffs are unable to accrue time to be eligible for naturalization as a citizen of the
 4 United States, thus delaying their obtainment of the rights and privileges enjoyed by
 5 citizens of the United States.

6 25. Defendants, in violation of the Administrative Procedures Act, 5 U.S.C. § 551 *et seq.*,
 7 are unlawfully delaying action on Plaintiffs' applications and have failed to carry out the
 8 adjudicative functions delegated to them by law within a reasonable time.

9 26. Defendants, in violation of the Administrative Procedure Act, 5 U.S.C. § 701 *et seq.*, are
 10 unlawfully withholding action on Plaintiffs' applications and have failed to carry out the
 11 adjudicative functions delegated to them by law with regard to Plaintiffs' case.

12 27. Plaintiffs have provided sufficient evidence of their attempts to secure adjudication of the
 13 applications at issue, all to no avail. Their administrative remedies have been exhausted.
 14 Accordingly, Plaintiffs have been forced to retain the services of an attorney to pursue the instant
 15 action.

16 **PRAYER**

17 28. WHEREFORE, Plaintiffs respectfully pray that the Defendants be cited to appear herein
 18 and that, upon due considerations, the Court enter an order:

- 19 (a) Requiring Defendants to expeditiously adjudicate Plaintiffs' application for action on
 20 an approved petition;
- 21 (b) Requiring Defendants to provide Plaintiffs with a Notice of Approval;
- 22 (c) Awarding reasonable attorney's fees under the Equal Access to Justice Act; and
- 23 (d) Granting such other relief at law and in equity as justice may require.

24
 25 Dated: 07/13/2007

26 Respectfully Submitted,

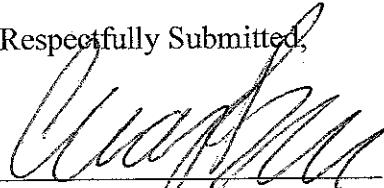
27
 28 
 Cuong T. Bui
 Attorney for Plaintiffs

EXHIBIT LIST

EXHIBIT 1: Receipt Notice of I-485 filing dated December 23, 2004 and I-140 Approval Notice

EXHIBIT 2: Fingerprints Notice dated January 18, 2005

EXHIBIT 3: Adjustment of Status Interview Notice with USCIS San Jose Sub-Office dated June 13, 2005

EXHIBIT 4: Plaintiffs' e-mail correspondence dated May 4, 2006 regarding status inquiry with USCIS San Jose Sub-Office

EXHIBIT 5: Plaintiffs' e-mail correspondence dated August 7, 2006 regarding status inquiry with USCIS San Jose Sub-Office

EXHIBIT 6: Counsel's declaration regarding status inquiry with USCIS San Jose Sub-Office on December 5, 2006 and April 17, 2007 on behalf of Plaintiffs.

EXHIBIT 7: USCIS California Service Center Processing Time Report posted June 18, 2007

EXHIBIT 1

UNITED STATES OF AMERICA

RECEIPT NUMBER WAC-05-063-50859		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE December 23, 2004	PRIORITY DATE	APPLICANT A98 445 039 CHOPRA, RAJNEESH
NOTICE DATE January 3, 2005	PAGE 1 of 1	
ANN O. CHAU ATTY AT LAW IMMIGRATION LAW GROUP LLP RE: RAJNEESH CHOPRA 2880 ZANKER RD STE 201 SAN JOSE CA 95134		Notice Type: Receipt Notice Amount received: \$ 385.00 Section: Adjustment as direct beneficiary of immigrant petition

Receipt notice - If any of the above information is incorrect, call customer service immediately.

Processing time - Processing times vary by kind of case.

- You can check our current processing time for this kind of case on our website at uscis.gov.
- On our website you can also sign up to get free e-mail updates as we complete key processing steps on this case.
- Most of the time your case is pending the processing status will not change because we will be working on others filed earlier.
- We will notify you by mail when we make a decision on this case, or if we need something from you. If you move while this case is pending, call customer service when you move.
- Processing times can change. If you don't get a decision or update from us within our current processing time, check our website or call for an update.

If you have questions, check our website or call customer service. Please save this notice, and have it with you if you contact us about this case.

Notice to all customers with a pending I-130 petition - USCIS is now processing Form I-130, Petition for Alien Relative, as a visa number becomes available. Filing and approval of an I-130 relative petition is only the first step in helping a relative immigrate to the United States. Eligible family members must wait until there is a visa number available before they can apply for an immigrant visa or adjustment of status to a lawful permanent resident. This process will allow USCIS to concentrate resources first on cases where visas are actually available. This process should not delay the ability of one's relative to apply for an immigrant visa or adjustment of status. Refer to [<http://www.state.gov/travel>](http://www.state.gov/travel) to determine current visa availability dates. For more information, please visit our website at www.uscis.gov or contact us at 1-800-375-5283.

Always remember to call customer service if you move while your case is pending. If you have a pending I-130 relative petition, also call customer service if you should decide to withdraw your petition or if you become a U.S. citizen.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE
CALIFORNIA SERVICE CENTER

P. O. BOX 30111
LAGUNA NIGUEL CA 92607-0111
Customer Service Telephone: (800) 375-5283



UNITED STATES OF AMERICA

RECEIPT NUMBER WAC-05-063-50882		CASE TYPE I485 APPLICATION TO ADJUST TO PERMANENT RESIDENT STATUS
RECEIVED DATE December 23, 2004	PRIORITY DATE	APPLICANT A98 445 040 VOORUVAKILI, RADHIKA R.
NOTICE DATE January 3, 2005	PAGE 1 of 1	
ANN O. CHAU ATTY AT LAW IMMIGRATION LAW GROUP LLP RE: RADHIKA RAYADU VOORUVAKILI 2880 ZANKER RD STE 201 SAN JOSE CA 95134		Notice Type: Receipt Notice Amount received: \$ 385.00 Section: Derivative adjustment

Receipt notice - If any of the above information is incorrect, call customer service immediately.

Processing time - Processing times vary by kind of case.

- You can check our current processing time for this kind of case on our website at uscis.gov.
- On our website you can also sign up to get free e-mail updates as we complete key processing steps on this case.
- Most of the time your case is pending the processing status will not change because we will be working on others filed earlier.
- We will notify you by mail when we make a decision on this case, or if we need something from you. If you move while this case is pending, call customer service when you move.
- Processing times can change. If you don't get a decision or update from us within our current processing time, check our website or call for an update.

If you have questions, check our website or call customer service. Please save this notice, and have it with you if you contact us about this case.

Notice to all customers with a pending I-130 petition - USCIS is now processing Form I-130, Petition for Alien Relative, as a visa number becomes available. Filing and approval of an I-130 relative petition is only the first step in helping a relative immigrate to the United States. Eligible family members must wait until there is a visa number available before they can apply for an immigrant visa or adjustment of status to a lawful permanent resident. This process will allow USCIS to concentrate resources first on cases where visas are actually available. This process should not delay the ability of one's relative to apply for an immigrant visa or adjustment of status. Refer to [<www.state.gov/travel>](http://www.state.gov/travel) to determine current visa availability dates. For more information, please visit our website at www.uscis.gov or contact us at 1-800-375-5283.

Always remember to call customer service if you move while your case is pending. If you have a pending I-130 relative petition, also call customer service if you should decide to withdraw your petition or if you become a U.S. citizen.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

IMMIGRATION & NATURALIZATION SERVICE

CALIFORNIA SERVICE CENTER

P. O. BOX 30111

LAGUNA NIGUEL CA 92607-0111

Customer Service Telephone: (800) 375-5283



U. S. DEPARTMENT OF HOMELAND SECURITY
U. S. CITIZENSHIP & IMMIGRATION SERVICES

RECEIPT NUMBER WAC-05-063-51007	CASE TYPE I-140 IMMIGRANT PETITION FOR ALIEN WORKER	
RECEIPT DATE January 3, 2005	PRIORITY DATE March 22, 2002	PETITIONER [REDACTED]
NOTICE DATE July 12, 2005	PAGE 1 of 1	BENEFICIARY A98 445 039 CHOPRA, RAJNEESH
ANN O. CHAU ATTY AT LAW IMMIGRATION LAW GROUP LLP RE: [REDACTED] 2880 ZANKER RD STE 201 SAN JOSE CA 95134		Notice Type: Approval Notice Section: Mem of Profession w/Adv Deg, or of Exceptn'l Ability Sec.203(b)(2)

The above petition has been approved. The approved petition will be stored in this office. If the person for whom you are petitioning is or becomes eligible to apply for adjustment of status, he or she should contact the local INS office to obtain Form I-485, Application for Permanent Residence. A copy of this notice should be submitted with the application, with appropriate fee, to this Service Center. Additional information about eligibility for adjustment of status may be obtained from the local INS office serving the area where he or she lives, or by calling 1-800-375-5283.

If the person for whom you are petitioning decides to apply for a visa outside the United States based upon this petition, the petitioner should file Form I-824, Application for Action on an Approved Application or Petition, with this office to request that we send the petition to the Department of State National Visa Center (NVC).

The NVC processes all approved immigrant visa petitions that require consular action. The NVC also determines which consular post is the appropriate consulate to complete visa processing. It will then forward the approved petition to that consulate.

THIS FORM IS NOT A VISA NOR MAY IT BE USED IN PLACE OF A VISA.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

U. S. CITIZENSHIP & IMMIGRATION SVC

CALIFORNIA SERVICE CENTER

P. O. BOX 30111

LAGUNA NIGUEL, CA 92607-0111

Customer Service Telephone: (800) 375-5283

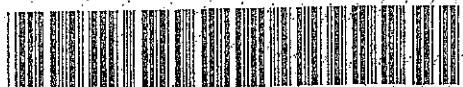


EXHIBIT 2

U.S. DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES
U.S. GOVERNMENT
U.S. GOVERNMENT
U.S. GOVERNMENT

Fingerprint Notification

NOTICE DATE
January 18, 2005

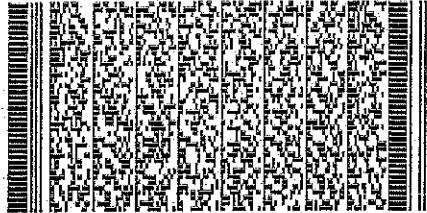
CASE TYPE

I485 / Application To Register Permanent Residence Or Adjust Status

INS A#
A 098 445 039APPLICATION NUMBER
FPS*002833302RECEIVED DATE
December 23, 2004PRIORITY DATE
December 23, 2004PAGE
1 of 1

APPLICANT NAME AND MAILING ADDRESS

RAJNEESH CHOPRA
 c/o ANN O CHAU ATTY AT LAW
 IMMIGRATION LAW GROUP LLP
 2880 ZANKER RD STE 201
 RE: RAJNEESH CHOPRA
 SAN JOSE CA 95134
 bbbbbblllllll



To process your application, INS must take your fingerprints and have them cleared by the FBI. PLEASE APPEAR AT THE BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. If you are unable to do so, complete the bottom of this notice and return the entire original notice to the address below. RESCHEDULING YOUR APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW OR FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER

INS SAN JOSE
 122 CHARCOT AVE.
 SAN JOSE CA 95131

DATE AND TIME OF APPOINTMENT

02/02/2005
 11:00 AM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:

1. THIS APPOINTMENT NOTICE and
2. PHOTO IDENTIFICATION. Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.

PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.

REQUEST FOR RESCHEDULING

Please reschedule my appointment for the next available: Wednesday afternoon Saturday afternoon

INS cannot guarantee the day preferred, but will do so to the extent possible.

Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:

INS SAN JOSE
 122 CHARCOT AVE.
 SAN JOSE CA 95131

If you have any questions regarding this notice, please call 1-800-375-5283.

REPRESENTATIVE COPY

APPLICATION NUMBER
FPS*002833302



WARNING!

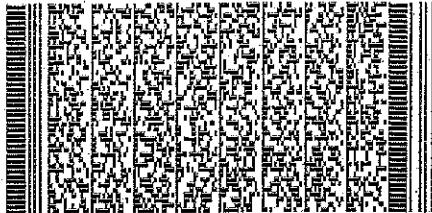
Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.

THE UNITED STATES OF AMERICA

Fingerprint Notification		NOTICE DATE January 18, 2005	
CASE TYPE I485 Application To Register Permanent Residence Or Adjust Status		INS A# A 098 445 040	
APPLICATION NUMBER EPS*002833304	RECEIVED DATE December 23, 2004	PRIORITY DATE December 23, 2004	PAGE 1 of 1

APPLICANT NAME AND MAILING ADDRESS

RADHIKA RAYADU VOORUVAKILI
c/o ANN O CHAU ATTY AT LAW
IMMIGRATION LAW GROUP LLP
2880 ZANKER RD STE 201
RE: RADHIKA RAYADU VOORUVAKILI
SAN JOSE CA 95134



To process your application, INS must take your fingerprints and have them cleared by the FBI. PLEASE APPEAR AT THE
BELOW APPLICATION SUPPORT CENTER AT THE DATE AND TIME SPECIFIED. If you are unable to do so,
complete the bottom of this notice and return the entire original notice to the address below. RESCHEDULING YOUR
APPOINTMENT WILL DELAY YOUR APPLICATION. IF YOU FAIL TO APPEAR AS SCHEDULED BELOW
OR FAIL TO REQUEST RESCHEDULING, YOUR APPLICATION WILL BE CONSIDERED ABANDONED.

APPLICATION SUPPORT CENTER

INS SAN JOSE
122 CHARCOT AVE.
SAN JOSE CA 95131

DATE AND TIME OF APPOINTMENT

02/02/2005
11:00 AM

WHEN YOU GO TO THE APPLICATION SUPPORT CENTER TO HAVE YOUR FINGERPRINTS TAKEN, YOU MUST BRING:

- 1. THIS APPOINTMENT NOTICE** and
 - 2. PHOTO IDENTIFICATION.** Naturalization applicants must bring their Alien Registration Card. All other applicants must bring a passport, driver's license, national ID, military ID, or State-issued photo ID. If you appear without proper identification, you will not be fingerprinted.

PLEASE DISREGARD THIS NOTICE IF YOUR APPLICATION HAS ALREADY BEEN GRANTED.

REQUEST FOR RESCHEDULING

Please reschedule my appointment for the next available: Wednesday afternoon

Saturday afternoon

INS cannot guarantee the day preferred, but will do so to the extent possible.

Upon receipt of your request, you will be provided a new appointment notice. Please mail your request to:

INS SAN JOSE
122 CHARCOT AVE.
SAN JOSE CA 95131

If you have any questions regarding this notice, please call 1-800-375-5283.

REPRESENTATIVE COPY

APPLICATION NUMBER
FPS*002833304



WARNING!

Due to limited seating availability in our lobby areas, only persons who are necessary to assist with transportation or completing the fingerprint worksheet should accompany you.

EXHIBIT 3

U.S. CITIZENSHIP AND IMMIGRATION SERVICES
1887 MONTEREY ROAD
SAN JOSE, CALIFORNIA 95112

RAJNEESH CHOPRA
825 E. EVELYN AVENUE, APT. #511
SUNNYVALE, CA 94086

FILE NUMBER: A 98 445 039
DATE: 06/13/2005

Please come to the office shown below at the time and place indicated in connection with an official matter.

OFFICE LOCATION: 1887 MONTEREY ROAD, ROOM 200
SAN JOSE, CA 95112

DATE AND TIME: 07/12/2005
08 : 30 AM

OFFICER:
DESK 7

REASON FOR APPOINTMENT: APPLICATION FOR ADJUSTMENT OF STATUS

THIS INTERVIEW WILL BE VIDEO TAPE.

PLEASE BRING ALL ITEMS THAT ARE CHECKED (X) TO THE INTERVIEW.

- PETITIONER AND ALL BENEFICIARY(S) MUST BE PRESENT. BRING THIS LETTER, ALL PASSPORT(S) AND OFFICIAL ID AND MEDICAL EXAM RESULTS.
- BRING ORIGINALS OF ALL DOCUMENTS SUBMITTED WITH YOUR APPLICATION. BRING ONE COPY OF THE FOLLOWING DOCUMENTS FOR EACH BENEFICIARY:
- A CURRENT LETTER OF EMPLOYMENT FOR YOU, THE PETITIONER AND THE CO-SPONSOR (SALARY, START DATE, AND POSITION).
- ORIGINAL AND ONE COPY OF YOURS AND ANY CO-SPONSOR'S INCOME TAX FORMS WITH W-2'S FOR THE LAST THREE YEARS.
- BRING ALL ORIGINALS AND ONE COPY (FOR EACH FAMILY MEMBER APPLYING WITH YOU) OF THE ITEMS CHECKED BELOW:
- REGISTERED MARRIAGE CERTIFICATE, INSURANCE POLICIES, RENTAL AGREEMENTS, DEEDS, BANK/CREDIT STATEMENTS, CHILDREN'S BIRTH RECORDS.
- UTILITY BILLS, WEDDING PHOTOS, AND ANY OTHER EVIDENCE YOU FEEL WOULD HELP ESTABLISH THAT YOUR MARRIAGE IS BONAFIDE.

-
- * FAILURE TO BRING THE ABOVE MAY RESULT IN DENIAL OF YOUR APPLICATION.
 - * PLEASE ARRIVE AT LEAST 30 MINUTES BEFORE YOUR SCHEDULED APPOINTMENT. REPORT TO THE APPOINTMENT LINE AT THE MAIN ENTRANCE OF THE BUILDING.
 - * FAILURE TO ARRIVE AT YOUR SCHEDULED APPOINTMENT TIME WILL RESULT IN YOUR APPOINTMENT BEING RESCHEDULED OR CASE DENIED. (DO NOT ARRIVE LATE)
 - * AFTER ARRIVING IN ROOM 200 PLACE THIS LETTER IN THE BOX AT THE WINDOW AND WAIT UNTIL YOU ARE CALLED BY AN OFFICER.

ATTORNEY NOTIFIED: ANN O. CHAU

**U.S. CITIZENSHIP AND IMMIGRATION SERVICES
1887 MONTEREY ROAD
SAN JOSE, CALIFORNIA 95112**

RADHIKA VOORUVAKILI
825 E. EVELYN AVENUE, APT. #511
SUNNYVALE, CA 94086

FILE NUMBER: A 98 445 040
DATE: 06/13/2005

Please come to the office shown below at the time and place indicated in connection with an official matter.

OFFICE LOCATION: **1887 MONTEREY ROAD, ROOM 200
SAN JOSE, CA 95112**

DATE AND TIME: **07/12/2005
09 : 00 AM**

OFFICER: **DESK 7**

REASON FOR APPOINTMENT: **APPLICATION FOR ADJUSTMENT OF STATUS**

THIS INTERVIEW WILL BE VIDEO TAPE.

PLEASE BRING ALL ITEMS THAT ARE CHECKED (X) TO THE INTERVIEW.

- PETITIONER AND ALL BENEFICIARY(S) MUST BE PRESENT. BRING THIS LETTER, ALL PASSPORT(S) AND OFFICIAL ID AND MEDICAL EXAM RESULTS.
- BRING ORIGINALS OF ALL DOCUMENTS SUBMITTED WITH YOUR APPLICATION. BRING ONE COPY OF THE FOLLOWING DOCUMENTS FOR EACH BENEFICIARY:
- A CURRENT LETTER OF EMPLOYMENT FOR YOU, THE PETITIONER AND THE CO-SPONSOR (SALARY, START DATE, AND POSITION).
- ORIGINAL AND ONE COPY OF YOURS AND ANY CO-SPONSOR'S INCOME TAX FORMS WITH W-2'S FOR THE LAST THREE YEARS.
- BRING ALL ORIGINALS AND ONE COPY (FOR EACH FAMILY MEMBER APPLYING WITH YOU) OF THE ITEMS CHECKED BELOW:
- REGISTERED MARRIAGE CERTIFICATE, INSURANCE POLICIES, RENTAL AGREEMENTS, DEEDS, BANK/CREDIT STATEMENTS, CHILDREN'S BIRTH RECORDS.
- UTILITY BILLS, WEDDING PHOTOS, AND ANY OTHER EVIDENCE YOU FEEL WOULD HELP ESTABLISH THAT YOUR MARRIAGE IS BONAFIDE.

-
- * FAILURE TO BRING THE ABOVE MAY RESULT IN DENIAL OF YOUR APPLICATION.
 - * PLEASE ARRIVE AT LEAST 30 MINUTES BEFORE YOUR SCHEDULED APPOINTMENT. REPORT TO THE APPOINTMENT LINE AT THE MAIN ENTRANCE OF THE BUILDING.
 - * FAILURE TO ARRIVE AT YOUR SCHEDULED APPOINTMENT TIME WILL RESULT IN YOUR APPOINTMENT BEING RESCHEDULED OR CASE DENIED. (DO NOT ARRIVE LATE)
 - * AFTER ARRIVING IN ROOM 200 PLACE THIS LETTER IN THE BOX AT THE WINDOW AND WAIT UNTIL YOU ARE CALLED BY AN OFFICER.

ATTORNEY NOTIFIED: **ANN O. CHAU**

EXHIBIT 4

-----Original Message-----

From: Radhika Rayadu [REDACTED]
Sent: Thursday, May 04, 2006 3:39 PM
To: Ann Chau
Cc: Rajneesh Chopra; Nadia Chow
Subject: RE: Green card process Rajneesh Chopra

Ann,

Rajneesh did make an Info pass appt and the local San Jose office today had they no update for us regarding our FBI name check. Please let us know what the next step is.
Are there any encouraging signs that you have seen? Has anybody from [REDACTED] recently cleared the name check with a case at San Jose office?
What does this mean? We have in a way put many decisions on hold for this and would like to know if there anything we can do to accelerate this process?
Also please let us know if you think there is any risk we should be aware of.

We'd appreciate you sharing any information with us.

Thanks,
Radhika

EXHIBIT 5

-----Original Message-----

From: Radhika Rayadu [mailto:_____]
Sent: Monday, August 07, 2006 1:25 PM
To: ann@immigrationlawgroup.net
Cc: Nadia Chow; Rajneesh Chopra
Subject: InfoPass at San Jose

Hi Ann,

This is to update you that Rajneesh and I went to the San Jose USCIS today morning to inform them about change of address for both of us. The lady asked us to fill a form each that will be put in our file of our I-485 application.

We also mailed the Ar-11 forms to the KY address.

I called 1800 no. and informed them to update the system.

Rajneesh will be doing the same sometime this week.

We also asked for status on our I-485 application, and she checked and informed us that they are both pending name check as of now.

Thanks,
Radhika.

EXHIBIT 6

DECLARATION OF CUONG T. BUI

I, the undersigned, Cuong T. Bui, declare under penalty of perjury that the following statements are true and correct and to the best of my knowledge:

1. I am an immigration attorney. My business address is 3590 North First Street, Suite 310, San Jose, CA 95134.
2. On December 5, 2006, I appeared at USCIS San Jose Sub-Office to inquire about the status of Mr. Rajneesh Chopra's and Ms. Radhika Rayadu Vooruvakili's adjustment of status applications. I was informed by the information officer that Mr. Chopra's case was pending FBI name check. Although Ms. Vooruvakili's FBI name check has been completed, her case remains pending because her husband's case is still pending.
3. On April 17, 2007, I appeared at USCIS San Jose Sub-Office to inquire about status of Mr. Chopra's adjustment of status application. I was informed by the information officer that Mr. Chopra's case was still pending FBI name check.

Date: 07/13/2007

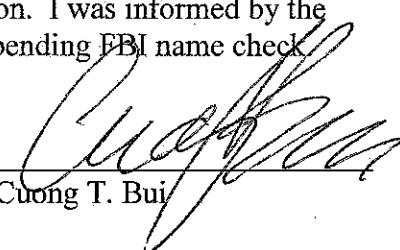

Cuong T. Bui

EXHIBIT 7

Form	Title	Classification or Basis for Filing	Now Processing Cases with Receipt Notice Date of
I-90	Application to Replace Permanent Resident Card	Initial issuance or replacement	July 06, 2006
I-102	Application for Replacement/Initial Nonimmigrant Arrival/Departure Record	Initial issuance or replacement of a Form I-94	March 11, 2007
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Visa to be issued abroad	April 15, 2007
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Change of status in the U.S.	April 15, 2007
I-129	Petition for A Nonimmigrant Worker	H-1B - Specialty occupation - Extension of stay in the U.S.	March 29, 2007
I-129	Petition for A Nonimmigrant Worker	H-2A - Temporary workers	May 31, 2007
I-129	Petition for A Nonimmigrant Worker	H-2B - Other temporary workers	May 16, 2007
I-129	Petition for A Nonimmigrant Worker	H-3 - Temporary trainees	April 15, 2007
I-129	Petition for A Nonimmigrant Worker	E - Treaty traders and investors	April 15, 2007
I-129	Petition for A Nonimmigrant Worker	L - Intracompany transfers	May 16, 2007
I-129	Petition for A Nonimmigrant Worker	Blanket L	April 15, 2007
I-129	Petition for A Nonimmigrant Worker	O - Extraordinary ability	April 15, 2007
I-129	Petition for A Nonimmigrant Worker	P - Athletes, artists, and entertainers	April 15, 2007
I-129	Petition for A Nonimmigrant Worker	Q - Cultural exchange visitors and exchange visitors participating in the Irish Peace process	April 15, 2007
I-129	Petition for A Nonimmigrant Worker	R - Religious occupation	April 15, 2007
I-129	Petition for A Nonimmigrant Worker	TN - North American Free Trade Agreement (NAFTA) professional	April 15, 2007
I-129F	Petition for Alien Fiance(e)	K-1/K-2 - Not yet married - fiance and/or dependent child	December 14, 2006
I-130	Petition for Alien Relative	U.S. citizen filing for a spouse, parent, or child under 21	December 13, 2006
I-130	Petition for Alien Relative	U.S. citizen filing for an unmarried son or daughter over 21	January 17, 2003
I-130	Petition for Alien Relative	U.S. citizen filing for a married son or daughter over 21	April 30, 2001
I-130	Petition for Alien Relative	U.S. citizen filing for a brother or sister	April 30, 2001
I-130	Petition for Alien Relative	Permanent resident filling for a spouse or child under 21	January 01, 2005
I-130	Petition for Alien Relative	Permanent resident filling for an unmarried son or daughter over 21	February 07, 2005
I-131	Application for Travel Document	All other applicants for advance parole	March 15, 2007
I-212	Application for Permission to Reapply for Admission into the U.S. After Deportation or Removal	Readmission after deportation or removal	December 14, 2006

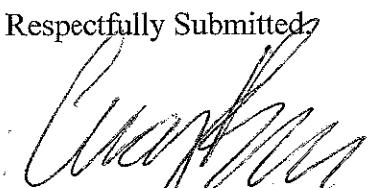
I-360	Petition for Amerasian, Widow(er), or Special Immigrant	All other special immigrants	
I-485	Application to Register Permanent Residence or to Adjust Status	Employment-based adjustment applications	December 14, 2006
I-526	Immigrant Petition By Alien Entrepreneur	For use by an entrepreneur who wishes to immigrate to the United States	December 14, 2006
I-539	Application to Extend/Change Nonimmigrant Status	Change of status to H or L dependents	March 15, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Change status to the F or M academic or vocational student categories	March 15, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Change Status to the J exchange visitor category	March 15, 2007
I-539	Application to Extend/Change Nonimmigrant Status	All other change of status applications	March 15, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Extension of stay for H and L dependents	March 15, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Extension of Stay for F or M academic or vocational students	March 15, 2007
I-539	Application to Extend/Change Nonimmigrant Status	Extension of Stay for J exchange visitors	March 15, 2007
I-539	Application to Extend/Change Nonimmigrant Status	All other extension applications	March 15, 2007
I-612	Application for Waiver of the Foreign Residence Requirement	Application for a waiver of the 2-year foreign residence requirement based on exceptional hardship or persecution	November 21, 2006
I-751	Petition to Remove the Conditions on Residence	Removal of lawful permanent resident conditions (spouses of U.S. citizens and lawful permanent residents)	December 14, 2006
I-765	Application for Employment Authorization	Based on a request by a qualified F-1 academic student. [(c)(3)]	March 29, 2007
I-765	Application for Employment Authorization	Based on a pending asylum application [(c)(8)]	May 17, 2007
I-765	Application for Employment Authorization	Based on a pending I-485 adjustment application [(c)(9)]	March 29, 2007
I-765	Application for Employment Authorization	Based on TPS for Honduras/Nicaragua [(c)(19), (a)(12)]	March 29, 2007
I-765	Application for Employment Authorization	Based on TPS for El Salvador [(c)(19)(a)(12)]	March 29, 2007
I-765	Application for Employment Authorization	All other applications for employment authorization	March 29, 2007
I-817	Application for Family Unity Benefits	Voluntary departure under the family unity program	December 14, 2006
I-824	Application for Action on an Approved Application or Petition	To request further action on an approved application or petition	December 14, 2006
I-829	Petition by Entrepreneur to Remove Conditions	Removal of lawful permanent resident conditions (immigrant investors)	December 14, 2006
I-829	Petition by Entrepreneur to Remove Conditions	Removal of lawful permanent resident conditions (immigrant investors) based on PL107-273	September 10, 1997

1 **CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**
2
3
4

5 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the
6 named parties, there is no such interest to report.
7
8

9 Dated: 07/13/2007
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully Submitted,


Cuong T. Bui
Attorney for Plaintiffs